

U.S. DISTRICT COURT  
DISTRICT OF WYOMING

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WYOMING

POWELL VALLEY HEALTH CARE,  
INC.,

Plaintiff,

vs.

HEALTHTECH MANAGMENT  
SERVICES, INC.,

Defendant/Crossclaimant

vs.

PAUL CARDWELL and MICHAEL J.  
PLAKE,

Defendants/Crossclaimants.

Case No. 12-CV-42-F

**ORDER DENYING MOTION FOR RECONSIDERATION AS MOOT AND  
SETTING INITIAL PRETRIAL CONFERENCE**

This matter is before the Court on its own notice and HealthTech Management Services, Inc.'s Motion for Reconsideration of Order Granting Amended Motion to Temporarily Stay Proceedings. The Court has considered the Motion and is fully informed.

## **DISCUSSION**

On August 1, 2012, the Court granted the Amended Motion to Temporarily Stay Proceedings and the Joinder filed by Defendants Plake and Cardwell, respectively. The Court's order stayed the proceedings in this matter until the resolution of the parallel criminal case involving Plake and Cardwell predicated on the same facts. (*United States v. Plake, et al.*, 12-CR-81-F). Specifically, the Court ordered the civil proceedings be stayed until the entry of a guilty plea and/or judgment against both Defendants. Defendant HealthTech Management Services, Inc. opposed this Order in its Motion for Reconsideration.

On or around August 25, 2012, counsel for Defendant Cardwell discovered they were unable to locate their client. In light of Cardwell's evident flight, Robert York and Robert Horn sought leave to withdraw as counsel. The Court denied counsel's motion for failure to comply with Local Rule 83.12.3. At this time, Cardwell's whereabouts remain unknown.

On September 17, 2012, Defendant Plake changed his plea in the criminal case from "not guilty" to "guilty," and his sentencing is set for November 26, 2012 at 1:15 p.m.

## **CONCLUSION**

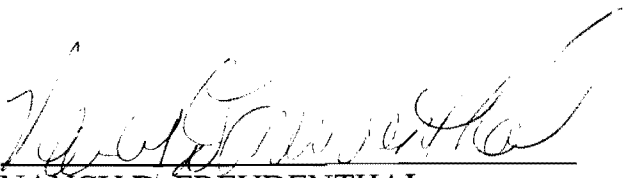
In light of Defendant Cardwell's flight and Defendant Plake's guilty plea, there is no reason to continue the stay in these proceedings.

IT IS THEREFORE ORDERED that HealthTech Management Services, Inc.'s

Motion for Reconsideration of Order Granting Amended Motion to Temporarily Stay Proceedings is DENIED as moot.

IT IS FURTHER ORDERED that this case be placed back on the Court's active docket for disposition. An initial pretrial conference will be held on **November 2, 2012 at 8:30 a.m. in chambers**. Counsel may participate by telephone conference call by calling (307) 433-2190 on a single shared line. Counsel are instructed to make available their calendars in the scheduling of all deadlines for trial.

Dated this 18 day of September, 2012.

  
NANCY D. FREUDENTHAL  
CHIEF UNITED STATES DISTRICT JUDGE